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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,046	11/09/2000	Ralf Leins	67190/983056	5157
26646	7590	04/14/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			CHOUDHARY, ANITA	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 04/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,046

Applicant(s)

LEINS ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11/9/2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Response to Arguments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. A Final action has been re-made and amendments after final have not been entered. The 35 U.S.C. § 112 rejection should have read under "Claim Objections". The 35 U.S.C. § 112 rejection has therefore been withdrawn and corrected to reflect a claim objection.

Response to Amendment

This rejection is based on amendment filed on November 20, 2003. Claim 3 has been amended and is presented for further examination. New claim 5 is added. Claims 1 and 2 have been cancelled.

Claims 3-5 are presented.

Claim Objections

Claims 3 and 5 are objected to because of the following informalities: Claim 3 and 5 recites the limitation "the technical processor " in lines 11 and 14. The limitation should read "the technical process". Similar corrections should be made to claim 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crater et al. (US 5,805,442) in view of Gauvin et al (US 5,790,800).

Crater shows substantial features of the claimed invention including limitations pointed out and presented in the previous action and repeated below.

In considering claims 3 and 5, Crater discloses a data or information transmission system for the visualization of data (column 1, lines 6-9 and column 3, lines 11-12), comprising:

a microprocessor (column 6, line 27 and Fig. 1, "12") and associated memory device (column 6, lines 28-29 and Fig. 1, "14");

a visualization device driven by the microprocessor and associated memory device (column 8, lines 13-16 and Fig. 2 "60");

an arrangement to connect external sensors or actuators of at least one of a controlled and monitored technical process to the microprocessor and associated memory device (column 6, lines 38-45);

at least one substantially data-supplying component ("server"), data or information from the technical processor being receivable by the server (column 2, lines 56-59);

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at least one substantially data-utilizing component ("client"), the data or information from the technical processor being visualized on the visualization device using the client (column 3, lines 19-23), the client being a software component having at least one external interface ("respective properties") (column 5, lines 36-38), no direct data or information exchange capability existing between the client and the server (column 3, lines 13-15); and

at least one control, management or distribution component ("external control component"), data or information exchange between the client and the server being effected using the external control component so that the data or information exchange takes place exclusively between the server and the external control element on the one hand, and between the external control element and the client on the other hand, the data or information exchange from or to the client being accomplished exclusively using the respective properties, the data or information exchange bringing about execution of code associated with the respective properties (column 3, lines 13-19).

Although Crater shows these features, Applicant has argued that Crater shows the use of a call code (URL) which requires a browser using conventional knowledge to set a commutation relationship for the client at design time. Crater shows a remote computer having a communication module compatible with the controller-borne module, which enables remote computer to download data from controllers. While one embodiment of Crater may show the browser and Internet as a communications medium between remote application and controller, such communications can be implemented in environments different from the Internet to accommodate remote or mobile clients implementing communications other than the Internet

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(e.g. via telephone). This feature is well known in the art, and would have been an obvious modification to the system disclosed by Crater as evidenced by Gauvin.

In an analogous art, Gauvin shows a system for mobile client communicating with a server process via communications manager (200, col. 4 lines 5-16). Gauvin shows:

A client being a software component (fig. 2, 210) having external interface (114).

An external control component (fig. 2, 250) communicating between client and server (col. 4 lines 58-63). The connection manager (250) is external component relative to the client applications component (210).

The external control component (250) accomplishing information exchange exclusively using the respective properties (fig. 2, 300) and bringing about execution of code associated with the respective properties without client application using any explicit call code (col. 5 lines 53- col. 6 line 1 and 29- col. 7 line 5). Wherein communication relationship is not known at design time of the system (fig. 4, col. 7 lines 45-55).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Crater to employ the features shown by Gauvin, in order to facilitate communication in a distributed computing environment wherein mobile computers do not have to re-design applications for compatibility (see Gauvin, col. 2 lines 15-21).

In referring to claim 4, Gauvin discloses wherein the external control element (250) includes an arrangement for identification of reachable ones of the at least one substantially data-utilizing component, a reference to each of the reachable ones being stored for the external

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control element (300), the references being user-selectable (col. 4 lines 27-42) and the respective properties of the reachable ones being accessible using a user-selectable reference so that a communication relationship between the external control element (250) and the client (210) is definable by storing for the external control element at least one transmittable datum for each of the respective properties (col. 6 lines 29- col. 7 line 44).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.


The examiner can normally be reached on 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
April 12, 2004



GLENTON B. BURGESS
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